

Title 34.
Chapter 1B.
Part XII (New)
Division of
Business
Assistance,
Marketing and
International
Trade.
§§1-26, 30 -
C.34:1B-210 to
34:1B-236
§31 - Note to
§§1-30

P.L. 2008, CHAPTER 27, *approved June 30, 2008*
Senate, No. 1980 (*First Reprint*)

1 **AN ACT** abolishing the New Jersey Commerce Commission,
2 establishing the Division of Business Assistance, Marketing, and
3 International Trade in the New Jersey Economic Development
4 Authority, transferring the functions, powers and duties of the
5 commission and other State entities to the division, and revising
6 various parts of the statutory law.
7
8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*
10
11 1. The Legislature finds and declares that:
12 a. It is the policy of the State of New Jersey to stimulate
13 economic growth and development by efforts that are efficient and
14 coordinated across all sectors, departments, and agencies.
15 b. The State’s efforts to deliver effective economic growth and
16 development assistance and improve the New Jersey economy
17 currently flow through a number of different programs, enacted and
18 amended incrementally over time, which are administered by a
19 number of different entities.
20 c. Greater coordination of the State’s economic development
21 efforts will achieve benefits, including short- and long-term budget
22 savings during this period of unprecedented fiscal challenges facing
23 the State, as well as enhancements to the effectiveness of the State's
24 economic growth and development efforts.
25 d. By consolidating the New Jersey Commerce Commission
26 and transferring its primary functions to the Division of Business
27 Assistance, Marketing, and International Trade in the New Jersey

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Senate SBA committee amendments adopted June 19, 2008.

1 Economic Development Authority, the coordination of these related
2 but distinct functions will be advanced.

3 e. Such consolidation will enhance the work of the Division of
4 Business Assistance, Marketing, and International Trade, which
5 markets New Jersey and the opportunities in this State to the
6 business community of the nation and the world, and the New
7 Jersey Economic Development Authority, which provides financing
8 on specific business projects, by improving cooperation and
9 coordination among the agencies charged with these separate
10 functions.

11 f. Further, the State's economic development activities will be
12 improved by consolidating the New Jersey Development Authority
13 for Small Businesses, Minorities' and Women's Enterprises into the
14 New Jersey Economic Development Authority, which can deliver
15 the financial and other assistance needed for such businesses and
16 enterprises, and by consolidating other economic development
17 entities.

18 g. State efforts to classify businesses that are small or minority-
19 or women-owned to participate in State purchasing and
20 procurement processes also will be more effective if the registration
21 and certification programs of the New Jersey Commerce
22 Commission are placed directly within the Department of the
23 Treasury, which serves as the procurement agency of the State.

24
25 2. (New Section) For purposes of sections 1 through 26 of
26 P.L. , c. (C.) (pending before the Legislature as this bill), the
27 following terms shall have the meaning indicated:

28 "Authority" means the New Jersey Economic Development
29 Authority established by P.L.1974, c.80 (C.34:1B-1 et seq.).

30 "Authority board" means the board of directors of the New
31 Jersey Economic Development Authority established pursuant to
32 P.L.1974, c.80 (C.34:1B-1 et seq.).

33 "Director" means the Director of the Division of Business
34 Assistance, Marketing, and International Trade.

35 "Division" means the Division of Business Assistance,
36 Marketing, and International Trade established by this act.

37
38 3. (New section) a. The New Jersey Commerce Commission
39 created by P.L.1998, c.44 (C.52:27C-61 et seq.) as a body corporate
40 and politic and allocated in, but not of, the Department of the
41 Treasury, is abolished and all of its functions, powers, and duties,
42 except as otherwise provided in this act, are continued and
43 transferred to the Division of Business Assistance, Marketing, and
44 International Trade in the New Jersey Economic Development
45 Authority.

46 b. The functions, powers, and duties of the New Jersey
47 Commerce Commission not specifically allocated under this act are
48 continued and are transferred to the New Jersey Economic

1 Development Authority, to be allocated within the authority as
2 determined by the authority board.

3 c. Except as otherwise provided in this act, whenever, in any
4 law, rule, regulation, order, reorganization plan, contract, document,
5 judicial or administrative proceeding, or otherwise, reference is
6 made to the New Jersey Commerce Commission, Board of
7 Directors of the New Jersey Commerce Commission, the
8 Commerce, Economic Growth and Tourism Commission, the
9 Commerce and Economic Growth Commission, the Department of
10 Commerce and Economic Development, the Commissioner of the
11 Department of Commerce and Economic Development, or the Chief
12 Executive Officer and Secretary of the Commerce and Economic
13 Growth Commission, the same shall mean and refer to the division.
14

15 4. (New section) With respect to the Executive Director and
16 employees of the New Jersey Commerce Commission:

17 a. Notwithstanding the "State Agency Transfer Act," P.L.1971,
18 c.375 (C.52:14D-1 et seq.), the office and term of the Executive
19 Director of the New Jersey Commerce Commission, established by
20 section 31 of P.L.2007, c.253 (C.52:27C-71.1), shall terminate not
21 later than ninety days following the effective date of this act.

22 b. Employees of the New Jersey Commerce Commission who
23 are employed by the Commission on the date of enactment of
24 P.L. , c. (C.) (pending before the Legislature as this bill) are
25 continued and transferred to the division, except for: (1) employees
26 assigned to perform the work of the Urban Enterprise Zone
27 Authority who may be transferred to the Department of the
28 Treasury; or (2) employees who are transferred as otherwise
29 specified in this act. Such transfers shall be consistent with the
30 "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).
31 Nothing contained in this act shall be construed to alter the
32 representation status, bargaining rights and bargained-for terms and
33 conditions of employment, or lack thereof, of any New Jersey
34 Commerce Commission employee in office or employment on the
35 effective date of this act, nor shall the establishment of the division
36 and its placement in the authority alter such conditions for
37 employees of the authority in office or employment on that
38 effective date, except as specifically provided herein.
39

40 5. (New section) Except as otherwise provided in this act,
41 regulations of the New Jersey Commerce Commission shall
42 continue in effect until amended or repealed pursuant to law.
43

44 6. (New section) a. In order to improve efficiency, achieve
45 savings, and enhance the productivity of the State's interaction with
46 the private sector, there is hereby established in the New Jersey
47 Economic Development Authority the Division of Business
48 Assistance, Marketing, and International Trade. To preserve the

1 independence of the financing functions of the authority,
2 notwithstanding this allocation, the division shall maintain a budget
3 separate from the authority which shall be funded through annual
4 appropriation by the Legislature from the General Fund.

5 b. The division shall be under the supervision of a director,
6 appointed by the Governor, who shall be employed by and report to
7 the Executive Director of the New Jersey Economic Development
8 Authority. The director shall be a person qualified by training and
9 experience to direct the work of the division.

10 c. The functions, powers, and duties of the board of directors
11 of the New Jersey Commerce Commission are continued and are
12 transferred to the authority board except as otherwise provided in
13 this act.

14

15 7. (New section) a. The functions, powers, and duties of the
16 Executive Director of the New Jersey Commerce Commission,
17 established pursuant to section 31 of P.L.2007, c.253 (C.52:27C-
18 71.1), except as otherwise provided, are continued and transferred
19 to the Director of the Division of Business Assistance, Marketing,
20 and International Trade.

21 b. Whenever, in any law, rule, regulation, order, contract,
22 document, judicial or administrative proceeding, or otherwise,
23 reference is made to the Executive Director of the New Jersey
24 Commerce Commission, the same shall mean and refer to the
25 director of the division.

26

27 8. (New section) a. The functions, powers, and duties of the
28 Office of Marketing and Communications in the New Jersey
29 Commerce Commission are continued and are transferred to the
30 Division of Business Assistance, Marketing, and International
31 Trade.

32 b. Whenever, in any law, rule, regulation, order, contract,
33 document, judicial or administrative proceeding, or otherwise,
34 reference is made to the Office of Marketing and Communications
35 in the New Jersey Commerce Commission, the same shall mean and
36 refer to the division.

37

38 9. (New section) a. The functions, powers, and duties of the
39 Office of Business Advocacy in the New Jersey Commerce
40 Commission are continued and are transferred to the Division of
41 Business Assistance, Marketing, and International Trade.

42 b. Whenever, in any law, rule, regulation, order, contract,
43 document, judicial or administrative proceeding or otherwise,
44 reference is made to the Office of Business Advocacy in the New
45 Jersey Commerce Commission, the same shall mean and refer to the
46 division.

1 10. (New section) a. The functions, powers, and duties of the
2 New Jersey Commerce Commission regarding those business
3 retention and relocation assistance programs that include the
4 Business Retention and Relocation Act Grant Program established
5 by section 3 of P.L.1996, c.25 (C.34:1B-114), the Business
6 Retention and Relocation Act Tax Credit Certificate Transfer
7 Program established by section 17 of P.L.2004, c.65 (C.34:1B-
8 120.2), the Sales Tax Exemption Program established by sections
9 19 through 22 of P.L.2004, c.65 (C.34:1B-185 through 34:1B-188),
10 and the Urban Enterprise Zone Energy Sales Tax Exemption
11 Program established by section 23 of P.L.2004, c.65 (C.52:27H-
12 87.1), except as otherwise provided, are continued and transferred
13 to the New Jersey Economic Development Authority to be
14 administered within that authority as the Authority Board so
15 determines.

16 b. Whenever, in any law, rule, regulation, order, contract,
17 document, judicial or administrative proceeding, or otherwise,
18 reference is made to the Business Retention and Relocation Act Tax
19 Credit Program, Business Retention and Relocation Act Tax Credit
20 Certificate Transfer Program, Sales Tax Exemption Program or
21 Urban Enterprise Zone Energy Sales Tax Exempt Program in the
22 New Jersey Commerce Commission, the same shall mean and refer
23 to the authority.
24

25 11. (New section) a. The functions, powers, and duties of the
26 New Jersey Commerce Commission for the Energy Sales Tax
27 Exemption Program for Certain Counties, established by subsection
28 c. of section 23 of P.L.2005, c.374 (C.52:27H-87.1c), except as
29 otherwise provided, are continued and are transferred to the New
30 Jersey Economic Development Authority to be administered within
31 that authority as the authority board so determines.

32 b. Whenever, in any law, rule, regulation, order, contract,
33 document, judicial or administrative proceeding, or otherwise,
34 reference is made to the Energy Sales Tax Exemption Program for
35 Certain Counties in the New Jersey Commerce Commission, the
36 same shall mean and refer to the authority.
37

38 12. New section) a. The functions, powers, and duties of the
39 New Jersey Commerce Commission for the Brownfields
40 Reimbursement Program, established by sections 34 through 39 of
41 P.L.1997, c.278 (C.58:10B-26 through 58:10B-31), except as
42 otherwise provided, are continued and are transferred to the New
43 Jersey Economic Development Authority to be administered within
44 that authority as the authority board so determines. The authority
45 shall, after consultation with the Director of the Division of
46 Taxation in the Department of the Treasury, adopt rules and
47 regulations pursuant to the “Administrative Procedure Act,”

1 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to govern the proper
2 conduct and operation of the program.

3 b. Whenever, in any law, rule, regulation, order, contract,
4 document, judicial or administrative proceeding, or otherwise,
5 reference is made to the Brownfields Reimbursement Program in
6 the New Jersey Commerce Commission, the same shall mean and
7 refer to the authority.

8
9 13. (New section) a. The functions, powers, and duties of the
10 New Jersey Commerce Commission for the Municipal Landfill
11 Closure and Remediation Reimbursement Program established at
12 P.L.1996, c.124 (C.13:1E-116.1 through 13:1E-116.7), except as
13 otherwise provided, are continued and are transferred to the New
14 Jersey Economic Development Authority to be administered within
15 that authority as the authority board so determines. The authority
16 shall, after consultation with the Director of the Division of
17 Taxation in the Department of the Treasury, adopt rules and
18 regulations pursuant to the "Administrative Procedure Act,"
19 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to govern the proper
20 conduct and operation of the program.

21 b. Whenever, in any law, rule, regulation, order, contract,
22 document, judicial or administrative proceeding, or otherwise,
23 reference is made to the Municipal Landfill Closure and
24 Remediation Reimbursement Program in the New Jersey Commerce
25 Commission, the same shall mean and refer to the authority.

26
27 14. (New section) a. The functions, powers, and duties of the
28 New Jersey Commerce Commission for the New Jersey Economic
29 Development Site Program, established by P.L.1996, c.70,
30 P.L.1997, c.97 (C.34:1B-140 through 34:1B-143), and section 31 of
31 P.L.1998, c.44 (C.52:27C-91), except as otherwise provided, are
32 continued and are transferred to the Division of Business
33 Assistance, Marketing, and International Trade.

34 b. Whenever, in any law, rule, regulation, order, contract,
35 reorganization plan, contract, document, judicial or administrative
36 proceeding, or otherwise, reference is made to the New Jersey
37 Economic Development Site Program in the New Jersey Commerce
38 Commission, the same shall mean and refer to the division.

39
40 15. (New section) a. The functions, powers, and duties of the
41 New Jersey Commerce Commission relating to the Urban Transit
42 Hub Tax Credit Program established by P.L.2007, c.346 (C.34:1B-
43 207 through 34:1B-209), except as otherwise provided, are
44 continued and are transferred to the New Jersey Economic
45 Development Authority to be administered within that authority as
46 the authority board so determines.

47 b. Whenever, in any law, rule, regulation, order, reorganization
48 plan, contract, document, judicial or administrative proceeding, or

1 otherwise, reference is made to the Urban Transit Hub Tax Credit
2 Program in the New Jersey Commerce Commission, the same shall
3 mean and refer to the authority.
4

5 16. (New section) a. The ¹['functions, powers, and duties of the
6 Office of] New Jersey¹ Urban Enterprise Zone Authority in the
7 New Jersey Commerce Commission, ¹transferred to the Department
8 of the Treasury pursuant to subsection a. of section 28 of P.L.1998,
9 c.44 (C.52:27C-88), and the Office of Urban Enterprise Zone
10 Authority in the New Jersey Commerce Commission¹ which
11 provides services necessary and incidental to the New Jersey Urban
12 Enterprise Zone Authority¹['¹'] pursuant to ¹subsection d. of that¹
13 section 28 of P.L.1998, c.44 (C.52:27C-88) ¹['and section 5 of
14 P.L.1983, c.303 (C.52:27H-64), except as otherwise provided¹,
15 ¹'together with their respective functions, powers, and duties.' are
16 continued and are transferred ¹['in, but not of,] to¹ the Department
17 of ¹['the Treasury] Community Affairs, provided however, that the
18 authority shall be in, but not of, that department¹.

19 b. Whenever, in any law, rule, regulation, order, reorganization
20 plan, contract, document, judicial or administrative proceeding, or
21 otherwise, reference is made to the ¹New Jersey Urban Enterprise
22 Zone Authority or the¹ Office of Urban Enterprise Zone Authority
23 in the ¹Department of the Treasury or the¹ New Jersey Commerce
24 Commission, the same shall mean and refer to the ¹ ['department]
25 Department of Community Affairs¹.
26

27 17. (New section) a. The functions, powers, and duties of the
28 New Jersey Commerce Commission relating to the international
29 trade functions of the Division of International Trade, established
30 by section 23 of P.L.1981, c.122 (C.52:27H-22), and supplemented
31 by sections 1 and 2 of P.L.1985, c.160 (C.52:27H-22.1 and 52:27H-
32 22.2), sections 1 through 3 of P.L.1987, c.303 (C.52:27H-22a
33 through 52:27H-22c), sections 1 through 3 of P.L.1987, c.334
34 (C.52:27H-22.4 through 52:27H-22.6), and sections 1 through 8 of
35 P.L.1995, c.275 (C.52:27H-22.7 through 52:27H-22.14), and most
36 recently known as the Office of International Trade and Protocol,
37 except as otherwise provided, are continued and are transferred to
38 the Division of Business Assistance, Marketing, and International
39 Trade. The office and term of the Director of the Division of
40 International Trade shall terminate upon the effective date of this
41 act.

42 b. Whenever, in any law, rule, regulation, order, reorganization
43 plan, contract, document, judicial or administrative proceeding, or
44 otherwise, reference is made to the Division of International Trade
45 or the Office of International Trade and Protocol in the New Jersey

1 Commerce Commission, the same shall mean and refer to the
2 division.

3
4 18. (New section) a. The functions, powers, and duties of the
5 Division of Development for Small Businesses and Women's and
6 Minority Businesses, presently known as the Office of Business
7 Services in the New Jersey Commerce Commission, created by
8 section 3 of P.L.1987, c.55 (C.52:27H-21.9), except as otherwise
9 provided, are continued and are transferred to the Department of the
10 Treasury to be administered within that department as the Treasurer
11 so determines. The office and term of the director of the Division
12 of Development for Small Businesses and Women's and Minority
13 Businesses, established by law, shall terminate upon the effective
14 date of this act. Any employees of the Commission who are
15 assigned to perform the work of the Office of Business Services
16 may be transferred to the Department of the Treasury subject to the
17 protections set forth in subsection b. of section 4 of this act.

18 b. Whenever, in any law, rule, regulation, order, reorganization
19 plan, contract, document, judicial or administrative proceeding, or
20 otherwise, reference is made to the Division of Development for
21 Small Businesses and Women's and Minority Businesses, more
22 recently known as the Office of Business Services, or the Director
23 of that office, in the New Jersey Commerce Commission, the same
24 shall mean and refer to the State Treasurer.

25
26 19. (New section) a. The functions, powers, and duties of the
27 New Jersey Commerce Commission to appoint executive directors
28 of the New Jersey Economic Development Authority, established
29 pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), and the New Jersey
30 Commission on Science and Technology, established pursuant to
31 P.L.1985, c.102 (C.52:9X-1 et seq.) are continued and are
32 transferred to the Governor. Each such executive director shall be
33 employed by and report to the board of the respective agency and
34 shall receive such compensation as shall be fixed by the board of
35 the respective agency.

36 b. The functions, powers, and duties of the New Jersey
37 Commerce Commission to serve as a member of the board of
38 agencies and to provide administrative assistance to agencies are
39 transferred to the Division of Business Assistance, Marketing, and
40 International Trade unless otherwise provided by this act.

41 c. Notwithstanding the provisions of any law, rule, regulation,
42 or order to the contrary, the functions, powers, and duties of the
43 New Jersey Commerce Commission and the executive director of
44 the New Jersey Commerce Commission are transferred to the New
45 Jersey Economic Development Authority and the Executive
46 Director of the New Jersey Economic Development Authority,
47 respectively, with regard to the following statutorily established

1 boards, councils, commissions, authorities ¹ and other
2 organizations:

3 (1) State Employment ¹and¹ Training Commission, established
4 pursuant to section 5 of P.L.1989, c.293 (C.34:15C-2);

5 (2) State Council for Adult Literacy Education Services,
6 established pursuant to section 2 of P.L.1999, c.107 (C.34:15C-18);

7 (3) Council on Armed Forces and Veterans' Affairs, established
8 pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) and transferred to
9 and established in the Department of Military and Veterans'
10 Affairs, pursuant to section 2 of P.L.1992, c.86 (C.38A:3-16);

11 (4) The Foundation for Technology Advancement, authorized to
12 be established pursuant to section 1 of P.L.2005, c.373 (C.52:27C-
13 96);

14 (5) The Main Street New Jersey Advisory Board, established
15 pursuant to section 5 of P.L.2001, c.238 (C.52:27D-456);

16 (6) ¹[(The Urban Enterprise Zone Authority, established
17 pursuant to section 4 of P.L.1983, c.303 (C.52:27H-63);

18 (7)]¹ The Brownfields Redevelopment Task Force,
19 established pursuant to section 5 of P.L.1997, c.278 (C.58:10B-23);

20 ¹[(8)] (7)¹ The Fort Monmouth Economic Revitalization
21 Planning Authority, established pursuant to section 4 of P.L.2006,
22 c.16 (C.52:27I-4);

23 ¹[(9)] (8)¹ The South Jersey Transportation Authority,
24 established pursuant to section 4 of P.L.1991, c.252 (C.27:25A-4);

25 ¹[(10)] (9)¹ The Aquaculture Advisory Council, established
26 pursuant to section 5 of P.L.1997, c.236 (C.4:27-5);

27 ¹[(11)] (10)¹ The Clean Air Council, established pursuant to
28 section 3 of P.L.1967, c.106 (C.26:2C-3.2);

29 ¹[(12)] (11)¹ The Community Financial Services Advisory
30 Board, established pursuant to section 3 of P.L.1991, c.294
31 (C.17:16Q-3); and

32 ¹[(13)] (12)¹ The New Jersey Redevelopment Authority,
33 established pursuant to section 4 of P.L.1996, c.62 (C.55:19-23).

34 d. Notwithstanding the provisions of any law, rule, regulation,
35 or order to the contrary, the functions, powers, and duties of the
36 New Jersey Commerce Commission and the executive director of
37 the New Jersey Commerce Commission, except as otherwise
38 provided in this act, are transferred to the Division and the Director
39 of the Division, respectively, with regard to any council,
40 commission, committee, task force, or other organization
41 established by executive order.

42
43 20. (New section) a. The functions, powers, and duties of the
44 New Jersey Commerce Commission, pursuant to P.L.1992, c.165
45 (C.40:54D-1 et seq.), with respect to a tourism improvement and
46 development authority, established pursuant to section 18 of
47 P.L.1992, c.165 (C.40:54D-18), are continued and are transferred to

1 the Department of State, to be administered within that department
2 as the Secretary so determines. Any employees of the New Jersey
3 Commerce Commission who are assigned to perform the work of
4 the Tourism Improvement and Development Authority may be
5 transferred to the Department of State subject to the protections set
6 forth in subsection b. of section 4 of this act.

7 b. whenever, in any law, rule, regulation, order, reorganization
8 plan, contract, document, judicial or administrative proceeding, or
9 otherwise, reference is made to the New Jersey Commerce
10 Commission, the Department of Commerce and Economic
11 Development, or the Commissioner of the Department of
12 Commerce and Economic Development, with respect to a tourism
13 improvement and development authority, the same shall mean and
14 refer to the New Jersey Department of State.

15

16 21. New section) a. The Economic Development Site Task
17 Force, established pursuant to section 6 of P.L.1997, c.97 (C.34:1B-
18 140), in but not of, the Department of the Treasury, is abolished and
19 all of its functions, powers, and duties are continued and transferred
20 to the New Jersey Economic Development Authority to be
21 administered within that authority as the authority board so
22 determines.

23 b. except as otherwise provided in this act, whenever in any law,
24 rule, regulation, order, reorganization plan, contract, document,
25 judicial or administrative proceeding, or otherwise, reference is
26 made to the Economic Development Site Task Force, the same shall
27 mean and refer to the authority.

28

29 22. New section) a. The Dredging Project Facilitation Task
30 Force, established pursuant to section 3 of P.L.1997, c.97 (C.12:6B-
31 3) in, but not of, the Department of the Treasury, is abolished and
32 all of its functions, powers, and duties are continued and transferred
33 to the Division of Business Assistance, Marketing, and International
34 Trade.

35 b. Except as otherwise provided in this act, whenever in any
36 law, rule, regulation, order, reorganization plan, contract, document,
37 judicial or administrative proceeding, or otherwise, reference is
38 made to the Dredging Project Facilitation Task Force, established
39 pursuant to section 3 of P.L.1997, c.97 (C.12:6B-3) in, but not of,
40 the Department of the Treasury, the same shall mean and refer to
41 the division.

42

43 23. (New section) a. The Export Finance Company Advisory
44 Council, established pursuant to section 7 of P.L.1995, c.209
45 (C.34:1B-99) in, but not of, the Department of the Treasury, is
46 abolished and all of its functions, powers, and duties are continued
47 and transferred to the Division of Business Assistance, Marketing,
48 and International Trade.

1 b. Except as otherwise provided in this act, whenever in any
2 law, rule, regulation, order, reorganization plan, contract, document,
3 judicial or administrative proceeding, or otherwise, reference is
4 made to the Export Finance Company Advisory Council in, but not
5 of, the Department of the Treasury, the same shall mean and refer to
6 the division.

7
8 24. (New section) a. The Motion Picture and Television
9 Development Commission, established pursuant to section 3 of
10 P.L.1977, c.44 (C.34:1B-24), is transferred in, but not of, the
11 Division of Business Assistance, Marketing, and International
12 Trade in the New Jersey Economic Development Authority, but
13 notwithstanding this transfer, the Motion Picture and Television
14 Development Commission shall be independent of any supervision
15 and control by the authority or by any board of officer thereof.

16 b. Whenever, in any law, rule, regulation, order, contract,
17 document, judicial or administrative proceeding or otherwise,
18 reference is made to the Motion Picture and Television
19 Development Commission, the same shall mean and refer to the
20 Motion Picture and Television Development Commission in, but
21 not of, the division.

22 c. The Division of Business Assistance, Marketing, and
23 International Trade shall provide staff services necessary to support
24 the functions of the Motion Picture and Television Development
25 Commission.

26
27 25. (New section) a. The New Jersey Development Authority
28 for Small Businesses, Minorities' and Women's Enterprises created
29 by section 3 of P.L.1985, c.386 (C.34:1B-49), in but not of the
30 Department of the Treasury, is abolished and all of its functions,
31 powers, and duties are continued and transferred to the New Jersey
32 Economic Development Authority to be allocated within the New
33 Jersey Economic Development Authority as determined by the
34 authority board.

35 b. Except as otherwise provided in this act, whenever in any
36 law, rule, regulation, order, reorganization plan, contract, document,
37 judicial or administrative proceeding, or otherwise, reference is
38 made to the New Jersey Development Authority for Small
39 Businesses, Minorities' and Women's Enterprises, the same shall
40 mean and refer to the New Jersey Economic Development
41 Authority.

42
43 26. (New section) a. The New Capital Sources Board,
44 established pursuant to section 4 of P.L.1995, c.293 (C.34:1B-110)
45 in, but not of, the Department of the Treasury, is abolished and all
46 of its functions, powers, and duties are continued and transferred to
47 the New Jersey Economic Development Authority to be allocated

1 within the New Jersey Economic Development Authority as
2 determined by the authority board.

3 b. Except as otherwise provided in this act, whenever in any
4 law, rule, regulation, order, reorganization plan, contract, document,
5 judicial or administrative proceeding, or otherwise, reference is
6 made to the New Capital Sources Board in, but not of, the
7 Department of the Treasury, the same shall mean and refer to the
8 authority.

9
10 27. Section 4 of P.L.1974, c.80 (C.34:1B-4) is amended to read
11 as follows:

12 4. a. There is hereby established in, but not of, the Department
13 of the Treasury a public body corporate and politic, with corporate
14 succession, to be known as the "New Jersey Economic
15 Development Authority." The authority is hereby constituted as an
16 instrumentality of the State exercising public and essential
17 governmental functions, and the exercise by the authority of the
18 powers conferred by the provisions of P.L.1974, c.80 (C.34:1B-1 et
19 seq.) or section 6 of P.L.2001, c.401 (C.34:1B-4.1) shall be deemed
20 and held to be an essential governmental function of the State.

21 b. The authority shall consist of the Commissioner of Banking
22 and Insurance, [the Executive Director of the New Jersey
23 Commerce Commission,] the Commissioner of Labor and
24 Workforce Development, the Commissioner of [Education]
25 Environmental Protection, an officer or employee of the Executive
26 Branch of State government appointed by the Governor, and the
27 State Treasurer, who shall be members ex officio, and eight public
28 members appointed by the Governor as follows: two public
29 members (who shall not be legislators) shall be appointed by the
30 Governor upon recommendation of the Senate President; two public
31 members (who shall not be legislators) shall be appointed by the
32 Governor upon recommendation of the Speaker of the General
33 Assembly; and four public members shall be appointed by the
34 Governor, all for terms of three years. In addition, a public member
35 of the State Economic Recovery Board established pursuant to
36 section 36 of P.L.2002, c.43 (C.52:27BBB-36) appointed by the
37 board, shall serve as a non-voting, ex officio member of the
38 authority. Each member shall hold office for the term of the
39 member's appointment and until the member's successor shall have
40 been appointed and qualified. A member shall be eligible for
41 reappointment. Any vacancy in the membership occurring other
42 than by expiration of term shall be filled in the same manner as the
43 original appointment but for the unexpired term only. In the event
44 the authority shall by resolution determine to accept the declaration
45 of an urban growth zone by any municipality, the mayor or other
46 chief executive officer of such municipality shall ex officio be a
47 member of the authority for the purpose of participating and voting
48 on all matters pertaining to such urban growth zone.

1 The Governor shall appoint three alternate members of the
2 authority, of which one alternate member (who shall not be a
3 legislator) shall be appointed by the Governor upon the
4 recommendation of the Senate President, and one alternate member
5 (who shall not be a legislator) shall be appointed by the Governor
6 upon the recommendation of the Speaker of the General Assembly;
7 and one alternate member shall be appointed by the Governor, all
8 for terms of three years. The chairperson may authorize an
9 alternate member, in order of appointment, to exercise all of the
10 powers, duties and responsibilities of such member, including, but
11 not limited to, the right to vote on matters before the authority.

12 Each alternate member shall hold office for the term of the
13 member's appointment and until the member's successor shall have
14 been appointed and qualified. An alternate member shall be eligible
15 for reappointment. Any vacancy in the alternate membership
16 occurring other than by the expiration of a term shall be filled in the
17 same manner as the original appointment but for the unexpired term
18 only. Any reference to a member of the authority in this act shall
19 be deemed to include alternate members unless the context indicates
20 otherwise.

21 The terms of office of the members and alternate members of the
22 authority appointed by the Governor who are serving on July 18,
23 2000 shall expire upon the appointment by the Governor of eight
24 public members and three alternate members. The initial
25 appointments of the eight public members shall be as follows: the
26 two members appointed upon the recommendation of the President
27 of the Senate and the two members appointed upon the
28 recommendation of the Speaker of the General Assembly shall
29 serve terms of three years; two members shall serve terms of two
30 years; and two members shall serve terms of one year. The initial
31 appointments of the alternate members shall be as follows: the
32 alternate member appointed upon the recommendation of the
33 President of the Senate shall serve a term of three years; the
34 alternate member appointed upon the recommendation of the
35 Speaker of the General Assembly shall serve a term of two years;
36 and one alternate member shall serve a term of one year. No
37 member shall be appointed who is holding elective office.

38 c. Each member appointed by the Governor may be removed
39 from office by the Governor, for cause, after a public hearing, and
40 may be suspended by the Governor pending the completion of such
41 hearing. Each member before entering upon his duties shall take
42 and subscribe an oath to perform the duties of the office faithfully,
43 impartially and justly to the best of his ability. A record of such
44 oaths shall be filed in the office of the Secretary of State.

45 d. A chairperson shall be appointed by the Governor from the
46 public members. The members of the authority shall elect from
47 their remaining number a vice chairperson and a treasurer thereof.
48 The authority shall employ an executive director who shall be its

1 secretary and chief executive officer. The powers of the authority
2 shall be vested in the members thereof in office from time to time
3 and seven members of the authority shall constitute a quorum at any
4 meeting thereof; provided, however, that the public member
5 designated by the State Economic Recovery Board pursuant to the
6 "Municipal Rehabilitation and Economic Recovery Act," P.L.2002,
7 c.43 (C.52:27BBB-1 et al.) shall not count toward the quorum.
8 Action may be taken and motions and resolutions adopted by the
9 authority at any meeting thereof by the affirmative vote of at least
10 seven members of the authority. No vacancy in the membership of
11 the authority shall impair the right of a quorum of the members to
12 exercise all the powers and perform all the duties of the authority.

13 e. Each member of the authority shall execute a bond to be
14 conditioned upon the faithful performance of the duties of such
15 member in such form and amount as may be prescribed by the
16 Director of the Division of Budget and Accounting in the
17 Department of the Treasury. Such bonds shall be filed in the office
18 of the Secretary of State. At all times thereafter the members and
19 treasurer of the authority shall maintain such bonds in full force and
20 effect. All costs of such bonds shall be borne by the authority.

21 f. The members of the authority shall serve without
22 compensation, but the authority shall reimburse its members for
23 actual expenses necessarily incurred in the discharge of their duties.
24 Notwithstanding the provisions of any other law, no officer or
25 employee of the State shall be deemed to have forfeited or shall
26 forfeit any office or employment or any benefits or emoluments
27 thereof by reason of the acceptance of the office of ex officio
28 member of the authority or any services therein.

29 g. Each ex officio member of the authority may designate an
30 officer or employee of the member's department to represent the
31 member at meetings of the authority, and each such designee may
32 lawfully vote and otherwise act on behalf of the member for whom
33 the person constitutes the designee. Any such designation shall be
34 in writing delivered to the authority and shall continue in effect
35 until revoked or amended by writing delivered to the authority.

36 h. The authority may be dissolved by act of the Legislature on
37 condition that the authority has no debts or obligations outstanding
38 or that provision has been made for the payment or retirement of
39 such debts or obligations. Upon any such dissolution of the
40 authority, all property, funds and assets thereof shall be vested in
41 the State.

42 i. A true copy of the minutes of every meeting of the authority
43 shall be forthwith delivered by and under the certification of the
44 secretary thereof to the Governor. No action taken at such meeting
45 by the authority shall have force or effect until 10 days, Saturdays,
46 Sundays, and public holidays excepted, after the copy of the
47 minutes shall have been so delivered, unless during such 10-day
48 period the Governor shall approve the same in which case such

1 action shall become effective upon such approval. If, in that 10-day
2 period, the Governor returns such copy of the minutes with veto of
3 any action taken by the authority or any member thereof at such
4 meeting, such action shall be null and void and of no effect. The
5 powers conferred in this subsection i. upon the Governor shall be
6 exercised with due regard for the rights of the holders of bonds and
7 notes of the authority at any time outstanding, and nothing in, or
8 done pursuant to, this subsection i. shall in any way limit, restrict or
9 alter the obligation or powers of the authority or any representative
10 or officer of the authority to carry out and perform in every detail
11 each and every covenant, agreement or contract at any time made or
12 entered into by or on behalf of the authority with respect to its
13 bonds or notes or for the benefit, protection or security of the
14 holders thereof.

15 j. On or before March 31 in each year, the authority shall make
16 an annual report of its activities for the preceding calendar year to
17 the Governor and the Legislature. Each such report shall set forth a
18 complete operating and financial statement covering the authority's
19 operations during the year. The authority shall cause an audit of its
20 books and accounts to be made at least once in each year by
21 certified public accountants and cause a copy thereof to be filed
22 with the Secretary of State and the Director of the Division of
23 Budget and Accounting in the Department of the Treasury.

24 k. The Director of the Division of Budget and Accounting in
25 the Department of the Treasury and the director's legally authorized
26 representatives are hereby authorized and empowered from time to
27 time to examine the accounts, books and records of the authority
28 including its receipts, disbursements, contracts, sinking funds,
29 investments and any other matters relating thereto and to its
30 financial standing.

31 l. No member, officer, employee or agent of the authority shall
32 be interested, either directly or indirectly, in any project or school
33 facilities project, or in any contract, sale, purchase, lease or transfer
34 of real or personal property to which the authority is a party.

35 (cf: P.L.2007, c.253, s.13)

36

37 28. Section 6 of P.L.1974, c.80 (C.34:1B-6) is amended to read
38 as follows:

39 6. **【A copy of any application for assistance under this act**
40 **received by the authority shall be submitted to, and for the review**
41 **and advice of, the Director of the Division of Economic**
42 **Development.】** Prior to making any commitment for **【such】**
43 **assistance, the authority【, after consultation with the director of**
44 **said division,】** shall, by resolution duly adopted, find and
45 determine, on the basis of all information reasonably available to it,
46 that such assistance will tend to maintain or provide gainful
47 employment for the inhabitants of the State, or will reduce the
48 consumption, in a building devoted to industrial or commercial

1 purposes, or in an office building, of nonrenewable sources of
2 energy, or will eliminate and reduce environmental pollution
3 derived from the operation of industry, utilities and commerce, and
4 improve living conditions, and shall serve a public purpose by
5 contributing to the prosperity, health and general welfare of the
6 inhabitants of the State, and will tend to aid and assist in the
7 economic growth, development or redevelopment of the political
8 subdivision wherein it is to be located, and such finding and
9 determination shall be conclusive for all purposes of this act.

10 The authority shall also find and determine, on the basis of all
11 information reasonably available to it, that such assistance, or any
12 part thereof, used to construct, improve or refinance any pollution
13 control facility as defined by this act will not impair any obligation
14 undertaken by any County Industrial Pollution Control Financing
15 Authority created pursuant to P.L.1973, c. 376 (C. 40:37C-1 et
16 seq.).

17 (cf: P.L.1983, c.282, s.4)

18
19 29. Section 4 of P.L.1983, c.303 (C.52:27H-63) is amended to
20 read as follows:

21 4. a. There is created the New Jersey Urban Enterprise Zone
22 Authority, which shall consist of:

23 (1) **[A person appointed by the Board of Directors of the New**
24 **Jersey Commerce Commission]** The Executive Director of the New
25 Jersey Economic Development Authority, who shall be the chair of
26 the authority;

27 (2) The Commissioner of the Department of Community
28 Affairs;

29 (3) The Commissioner of the Department of Labor and
30 Workforce Development;

31 (4) The State Treasurer; and

32 (5) Five public members not holding any other office, position
33 or employment in the State Government, nor any local elective
34 office, who shall be appointed by the Governor with the advice and
35 consent of the Senate, and who shall be qualified for their
36 appointments by training and experience in the areas of local
37 government finance, economic development and redevelopment, or
38 volunteer civic service and community organization. No more than
39 three public members shall be of the same political party. At least
40 one public member of the authority shall reside within an enterprise
41 zone; however, the provisions of this section shall apply only to
42 members appointed or reappointed after the effective date of
43 P.L.2001, c.347 (C.52:27H-66.2 et al.).

44 b. The public members of the authority shall serve for terms of
45 five years, except that of the members first appointed, one shall
46 serve for a term of one year, one shall serve for a term of two years,
47 one shall serve for a term of three years, one shall serve for a term
48 of four years, and one shall serve for a term of five years.

1 Vacancies in the public membership shall be filled in the manner of
2 the original appointments but for the unexpired terms.

3 c. An ex officio member of the authority may, from time to
4 time, designate in writing to the authority an official within his
5 respective department to attend and represent the department at the
6 meetings of the authority from which the ex officio member is
7 absent, and that designated representative shall be entitled to vote
8 and otherwise act for the ex officio member at those meetings.

9 d. A true copy of the minutes of every meeting of the authority
10 shall be forthwith delivered by and under the certification of the
11 secretary thereof to the Governor. No action taken at such meeting
12 by the authority shall have force or effect until 10 days, Saturdays,
13 Sundays, and public holidays excepted, after the copy of the
14 minutes shall have been so delivered, unless during such 10-day
15 period the Governor shall approve the same, in which case such
16 action shall become effective upon such approval. If, in that 10-day
17 period, the Governor returns such copy of the minutes with veto of
18 any action taken by the authority or any member thereof at such
19 meeting, such action shall be null and void and of no effect.

20 (cf: P.L.2007, c.253, s.40)

21
22 30. (New section) All transfers directed by this act shall take
23 place in accordance with the "State Agency Transfer Act,"
24 P.L.1971, c.375 (C.52:14D-1 et al.), except as provided in this act.

25
26 31. This act shall take effect on July 1, 2008 and any actions
27 necessary to implement this act may be taken at any time thereafter.
28 General implementation is to be completed no later than the 90th
29 day following enactment.

30
31
32
33
34 Abolishes NJ Commerce Commission; establishes Division of
35 Business Assistance, Marketing and International Trade in NJEDA;
36 transfers functions, powers and duties of commission to division.